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12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 AUTOMOTIVE INDUSTRIES PENSION  
16 TRUST FUND, JAMES H. BENO, Trustee,  
17 BILL BRUNELLI, Trustee, STEPHEN J.  
18 MACK, Trustee, CHRIS CHRISTOPHERSEN,  
19 Trustee, DON CROSATTO, Trustee, MARK  
20 HOLLIBUSH, Trustee, JON ROSELLE,  
21 Trustee, DOUGLAS CORNFORD, Trustee,  
22 and JAMES V. CANTERBURY, Trustee,

23 Plaintiffs,

24 v.

25 JAE JUNG KIM dba TRI-CITY BODY &  
26 PAINT; TRI-CITY BODY & PAINT, INC., a  
27 California Corporation; and DOES 1-20,  
28 Defendants.

Case No.: C 13-01597 KAW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE  
AND EXTEND TIME TO RESPOND  
TO COMPLAINT**

Date: July 9, 2013

Time: 1:30 p.m.

Courtroom 4, 3rd Floor

Magistrate Judge: Kandis A. Westmore

29 The parties have stipulated to a 90-day continuance of the Initial Case Management  
30 Conference currently scheduled for July 9, 2013 at 1:30 p.m. in Courtroom 4, 3rd Floor of this  
31 Court, and all related case management and ADR deadlines, and seek the Court's approval for  
32 same. The parties have further stipulated to a 60-day extension of Defendants' deadline to  
33 respond to Plaintiffs' Complaint, which is currently set for June 19, 2013, and seek the Court's  
34 approval for same.

35 1. Good Cause exists for the request: This action arises under the Employee  
36 Retirement Income Security Act of 1974 ("ERISA"), as amended by the Multiemployer Pension  
37 Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability

1 amounts allegedly owed by defendants Jae Jung Kim and Tri-City Body & Paint, Inc.,  
2 (“Defendants”) to plaintiffs Automotive Industries Pension Trust Fund and its Trustees  
3 (“Plaintiffs”).

4 2. On April 9, 2013, plaintiffs filed a Complaint in this matter.

5 3. Defendants have been served and have appeared in the action as follows:

6 Jae Jung Kim dba Tri-City Body & Paint was served on April 29, 2013. (Dkt. 7)

7 Tri-City Body & Pain, Inc., a California Corporation, was served on April 29,  
8 2013. (Dkt. 8)

9 4. On May 16, 2013, the parties stipulated to a 30-day extension to June 19, 2013 for  
10 Defendants to respond to the Complaint.

11 5. The reason for the request is that the parties wish to have time to attempt a  
12 cooperative resolution before incurring the fees involved in preparing for case management and  
13 responding to the Complaint. In the interest of minimizing costs as well as attorney’s fees and the  
14 Court’s time and resources, the parties would like to take the opportunity to attempt a settlement.

15 6. Therefore, the parties respectfully request that the Case Management Conference  
16 currently scheduled for July 9, 2013, and all of its associated deadlines, be continued for 90 days.

17 7. No previous requests to change these dates have been submitted. The changes will  
18 not affect any other deadline on the Court’s calendar.

19 8. The parties also respectfully request that the Court further extend Defendants’ time  
20 to respond to the Complaint by 60 days, to August 18, 2013. Because August 18, 2013 is a  
21 Sunday, Defendants’ deadline to respond to Plaintiff’s Complaint shall be August 19, 2013.

22 9. On May 16, 2013, the parties stipulated to a 30-day extension of Defendants’ time  
23 to respond to the Complaint. This further extension will not affect any other deadline on the  
24 Court’s calendar.

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1 Dated: June 10, 2013

2 /s/ SEAN T. STRAUSS  
3 SEAN T. STRAUSS  
4 TRUCKER ♦ HUSS  
5 Attorneys for Defendants  
JAE JUNG KIM  
TRI-CITY BODY & PAINT, INC.

6 Dated: June 10, 2013

7 /s/ JULIE RICHARDSON  
8 JULIE RICHARDSON  
9 SALTZMAN & JOHNSON LAW CORPORATION  
Attorneys for Plaintiffs  
AUTOMOTIVE INDUSTRIES PENSION TRUST  
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**ORDER**

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2 1. Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby  
3 continues the Initial Case Management Conference in this action from its currently scheduled date  
4 of July 9, 2013 to October 8, 2013. All other related case management and ADR deadlines are  
5 continued accordingly.

6 2. Furthermore, the Court hereby extends Defendants deadline to respond to  
7 Plaintiffs' Complaint to August 19, 2013.

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9 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10 Date: June 10, 2013

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12 KANDIS A. WESTMORE  
13 United States Magistrate Judge  
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